Docket No. 2024738-7030210000 CYM-034 (11.017011)

UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:

David Zahniser

Serial No.: 09/430,198

Filed: October 29, 1999

For: APPARATUS AND METHODS FOR VERIFYING THE LOCATION OF AREAS OF INTEREST WITHIN A SAMPLE IN AN

IMAGING SYSTEM

Group Art Unit: 2721

Confirmation No.: 6914

Examiner: Chong R. Kim

Commissioner for Patents

P.O. Box 1450 Alexandria, VA 22313-1450

NOTICE OF APPEAL TO THE BOARD OF PATENT APPEALS AND INTERFERENCES

Sir:

Applicant hereby appeals to the Board of Patents Appeals and Interferences from the decision dated October 19, 2004.

The items checked below are appropriate.

1. Request and Petition for EXTENSION OF TIME:

The proceedings herein are for a patent application and the provisions of 37 CFR § 1.136 apply.

03/04/2005 AWONDAF1 00000074 502518

500.00 DA

120.00 DA

Applicant(s) petitions for an extension of time under 37 CFR § 1.136 [fees: 37 CFR § 1.17(a)(1)-(5)] for the total number of months checked below:

EXTENSION (months)		FEE FOR SMALL ENTITY		FOR OTHER THAN SMALL ENTITY
\boxtimes	one month	\$60.00		\$120.00
Ħ	two months	\$225.00		\$450.00
П	three months	\$510.00		\$1,020.00
Ħ	four months	\$795.00		\$1,590.00
	five months	\$1,080.00		\$2,160.00
			Fee	\$120.00

According to the MPEP 706.07 (f), if an Applicant replies within 2 months from the mailing date of a final rejection, and an Advisory Action is mailed before the end of 3 months from the date of mailing of the final rejection, the shortened statutory period will expired at the end of the 3 months from the date of mailing of the final rejection. "If the Examiner, however, does not mail an Advisory Action until after the end of the 3-month period, the shortened statutory period will expire on the date the Examiner mails the Advisory Action and any extension of time fee would be calculated from the mailing date of the Advisory Action"

As such, the extension of time is properly calculated from the mailing date of the Advisory Action (February 1, 2005), and just one month extension fee is required.

If any extension fee is required, please consider this a petition therefore.

2. Appeal FEES

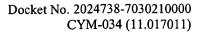
Applicant claims small	entity status	pursuant to 37	CFR § 1.27	•

APPEAL FEE: 37 CFR §1.17 (b)	\$500.00
Reduction by ½ for Filing by Small Entity. Note 37 CFR § 1.9, 1.27, 1.28.	\$0.00
Extension of Time (from above)	
TOTAL FEES SUBMITTED HEREWITH	\$620.00

3. Method of Payment of fees:					
	Attached is a check in the amount of				
	Please charge Bingham McCutchen's Deposit Account No. 50-2518 in the amount of \$620.00. A duplicate copy this sheet is enclosed.				
	The Commissioner is authorized to charge Bingham McCutchen's Deposit Account No. 50-2518 for any fees required that are not covered, in whole or in part, and to credit any overpayments to said Deposit Account No. 50-2518				
ï	Respectfully submitted, BINGHAM McCUTHEN LLP				
Dated: Februa	By: Gerald Chan Reg. No. 51,541				

 $23639 \\ \text{PATENT TRADEMARK OFFICE}$

BINGHAM McCUTCHEN LLP Three Embarcadero, Suite 1800 San Francisco, CA 94111-4067 (650) 849-4400





IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Group Art Unit: 2721
Confirmation No.: 6914
) Examiner: Chong R. Kim
)
)

TRANSMITTAL

Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

Sir:

Transmitted herewith for the above-identified application are the following:

Notice of Appeal with Authorization to charge fees (3 pages);

Transmittal with certificate of Mailing (2 pages); and

Return receipt postcard.

CERTIFICATE OF MAILING (37 C.F.R. §1.10)

I hereby certify that this paper (along with any referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as 'Express Mail Post Office To Addressee' in an envelope addressed to the Assistant Commissioner for Patents, Alexandria, VA 22313-1450.

EV 347037681 US Express Mail Label No.

February 28, 2005

Date of Deposit PA/52152929.1 Maritza Kidd

Name of Person Mailing Par

ignature of Person Mailing Paper

Respectfully submitted, BINGHAM McCUTCHEN LLP

Dated: February 28, 2005

Gerald Chan

Reg. No. 51,541

Customer Number

23639
PATENT TRADEMARK OFFICE

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